

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
STEPHON M. P.,

Plaintiff,

STIPULATION AND ORDER

v.

5:23-cv-00235-DNH-CFH

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant. -----X

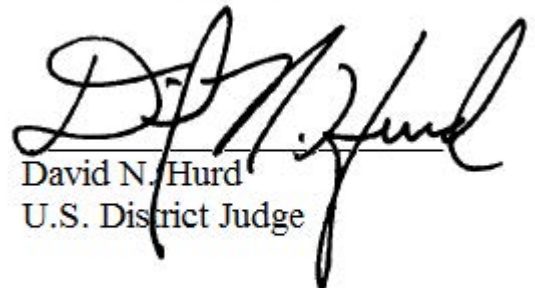
This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Fergus Kaiser, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken and a new decision will be issued; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS ORDERED that

1. the final decision of the Commissioner be and hereby is REVERSED;
2. The matter is REMANDED to the Defendant for this further administrative action; and
3. The within matter, be and hereby is, DISMISSED in accord with the decision in

Melkonyan v. Sullivan, 501 U.S. 89 (1991).

IT IS SO ORDERED:


David N. Hurd
U.S. District Judge

Dated: 10-10-2023

The undersigned hereby consent to the form and entry of the within order.

CARLA B. FREEDMAN
United States Attorney

Dated: New York, New York
October 4, 2023

By: /s/ Fergus Kaiser
FERGUS KAISER
Special Assistant United States Attorney
c/o Social Security Administration
Office of the General Counsel
26 Federal Plaza, Room 3904
New York, NY 10278-0004
Tel. (212) 264-2049
Email: fergus.kaiser@ssa.gov

Dated: New York, New York
October 4, 2023

Law Offices of Kenneth Hiller, PLLC
Attorney for Plaintiff

By: /s/ Justin M. Goldstein
JUSTIN M. GOLDSTEIN
Law Offices of Kenneth Hiller, PLLC
6000 North Bailey Avenue - Suite 1A
Amherst, NY 14226
716-564-3288
Fax: 716-332-1884
Email: jgoldstein@kennethhiller.com